the situation, and that the only way to accomplish the purpose is to give power to Federal registrars to register voters to finally break the iniquitous system that, somehow or other, keeps people from exercising one, single, unquestionably cherished American right—the right to vote.

POPULATION EXPLOSION

Mr. CLARK. Mr. President, yesterday I had occasion to speak on the floor of the Senate about the enormous growth of public sentiment in support of voluntary measures of population control, both inside, and outside the United States.

This morning's Wall Street Journal carries on its front page a most enlightening article, entitled "Birth-Control Push: Federal, Local Agencies Begin To Move Deeper Into Controversial Field—Cities, Counties Open Over 680 Clinics—United States Is Making Poverty Funds Available—Raising a Storm in Milwaukee."

I ask unanimous consent that a copy of the article which appeared in today's Wall Street Journal may be printed in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BIRTH-CONTROL PUSH: FEDERAL, LOCAL AGENCIES BEGIN TO MOVE DEEPER INTO CONTROVERSIAL FIELD—CITIES, COUNTIES OPEN OVER 680 CLINICS—UNITED STATES IS MAKING POVERTY FUNDS AVAILABLE—RAISING A STORM IN MILWAUKEE

(By Richard D. James)

CHICAGO.—State and local governments are rapidly invading an area they once regarded as strictly off limits and loaded with political dynamite—birth control.

This week the Baltimore City Health Department began operating five birth-control clinics, providing both advice and contraceptives, with $10,000 in city funds allocated to carry the program through 1965. It's estimated the program will serve about 3,600 women this year.

Last year the California Board of Public Health began urging county health departments to set up public birth-control programs. As a result, a dozen counties opened such clinics in 1964, and another dozen are expected to open them in the next 6 months, says Dr. Leslie Corsa of the State health department.

These two efforts are typical of hundreds scattered across the country. It's estimated that cities and counties in 21 States now are running more than 680 public birth-control clinics, up from 470 clinics in only 11 States a year ago. The number of mothers receiving help through these facilities jumped sharply to 175,000 last year from 75,000 in 1963 and about 50,000 in 1960, says the Planned Parenthood-World Population Council.

FEDERAL EFFORT GROWS

Moving into the field, too, though at a more cautious pace, is the Federal Government. As part of the antipoverty war, it is offering to pick up the tab for birth control for the first time. Already one project has been approved, and applications from three other cities are pending. Corpus Christi, Tex., last month was granted $8,500 in Federal funds to run birth-control clinics for married women in poverty-stricken areas inhabited by Negro and Spanish-speaking citizens.

The growing role of governments in birth control generally represents a major change in policy. Though the dissemination of birth-control information and devices has not been legally barred in most communities, the usual custom in government medical programs has been either to ignore the matter completely or to refer patients to private birth-control clinics. As a practical matter, contraceptive aid was available in the main only to women who could afford the services of a private physician. It generally was denied to women whose poverty and high reproductive rate made them the most likely candidates for birth-control assistance.

The present effort by public agencies is aimed mostly at promoting birth control among welfare recipients and low-income families. By spending tax money to run clinics, buy and distribute contraceptives, and supply information and counsel on family planning for these people, public health and welfare workers hope to save much greater sums now going to provide expensive medical care for expectant mothers and to support unwanted children who wind up on relief rolls.

A FACTOR IN WELFARE RISE?

Public health and welfare authorities contend the lack of access to modern, effective child-spacing methods is an important reason why more than half of the 7,800,000 persons on relief in this country are mothers and their dependent children. The lack of birth-control information, it's argued, also helps explain why this aid to dependent children (ADC) relief group has soared to more than 4 million persons from 2.2 million in 1955. Total ADC payments now run over $1.5 billion a year, compared with $639 million in 1955.

Partly because authorities see it as a way to reduce this huge burden, tax-supported family planning is bound to continue growing, perhaps even more rapidly than to date. "There is a lot of interest that hasn't yet been put into action, so I'm sure this will be a burgeoning affair," forecasts Dr. Johan W. Eliot, assistant professor of maternal and child health at the University of Michigan.

Another reason Dr. Eliot and others see increased activity ahead is what a high U.S. Public Health official in Washington calls a change in attitude on a very broad base toward recognizing that family planning is a problem.

A PRESIDENTIAL STEP

Evidence of such a change cropped up just a few weeks ago when President Johnson in his state of the Union message warned of the seriousness of the population explosion and said the Federal Government had a responsibility to do something about it. This is the furthest any President has ever gone in publicly throwing Federal support behind family planning. Some have interpreted the President's comment as foreshadowing further steps by the Government into the birth-control field.

The moves, if they come, are certain to be slow and deliberate in hopes that major opposition from the Nation's 45 million Catholics could thus be avoided. The Catholic Church condemns the use of artificial birth-control methods, including pills, as immoral. The only legitimate natural means, in the view of the church, is the rhythm technique, which requires periodic continence.

Even here, however, signs of a changing attitude on family planning are to be found. A commission of Catholic bishops and cardinals is studying the church's birth-control stand and will report its recommendations to the full session of the Vatican Council II when it resumes in Rome this September.

The growth of public birth-control programs has been particularly vigorous of late. Besides the new programs in Baltimore, California, and elsewhere, activity is climbing sharply in seven southern States which have long-standing policies encouraging counties to operate public birth-control clinics.

Alabama, for one, has sponsored a birth-control program at public expense for the past 20 years, and 63 of the State's 67 counties operate clinics. However, their major growth has come in just the past 4 years. During this period the number of mothers receiving family-planning assistance "has at least doubled to 10,000 a year," says Dr. Harold H. Klingler of the State health department.

Florida, which has favored publicly financed birth control for 15 years, spent $25,000 last year to supply contraceptives to county projects, compared with an outlay of only $1,000 in 1961, reports Dr. David L. Crane, a State health official. The number of Florida counties operating clinics now totals 61, compared with only 13 in 1962.

There's plenty of evidence to show that the number and size of family planning programs operated by public agencies will continue to expand. At a February 17 meeting of the Chicago Board of Health, Dr. Eric Oldberg, board president, will introduce a resolution which, if adopted, will pave the way for the city to run birth-control clinics for the first time. Dr. Oldberg is optimistic that the program will be approved and that Mayor Richard Daley will support it. If so, Dr. Oldberg expects to have the clinics operating in the city's 34-maternal-child health centers in second quarter of this year.

Several State legislatures are weighing requests for funds to expand new birth-control programs. Oregon lawmakers are debating a request for $135,000 by the State welfare department for the 2 years beginning July 1 so it can buy contraceptives for up to 4,000 welfare recipients. The State's first county birth-control clinic opened in November, and several others are expected to open soon, says Dr. Carl Ashley of the State health department.

TENNESSEE EFFORT EXPANDS

Tennessee Gov. Frank G. Clement has asked his State's legislature to vote added funds to finance a State health department program calling for outlays of up to $35,000 in the coming 2 years for drugs and supplies for county family-planning clinics. The number of county programs in the State has increased to 19 from just 1 a year ago, and 5 more will begin shortly, says Dr. R. H. Hutcheson, State health commissioner.

Perhaps more important because of the national precedent involved, President Johnson has asked Congress to appropriate $85,000 for the Washington, D.C., Public Health Department's birth-control program, more than double the $25,000 Congress alloted to get the program going last April.

One reason public officials are encouraged to seek more birth-control money is the generally widespread support shown so far for the Government projects. "The support has been spectacular," says Detroit Health Commissioner Dr. John J. Hanlon in discussing the city's month-old birth-control program. "We have a Catholic mayor, and I discussed the program with him and he publicly took a stand in favor of it."

Before Dr. Page Seekford, county medical director in Charleston, W. Va., started a birth-control clinic last July—the first in the State—he sent questionnaires to the local politicians and the medical society. "The response was in favor of going ahead, and we got editorial support from both local newspapers too," he says.

ILLINOIS FUROR SUBSIDES

In other areas, once fierce opposition is now crumbling. It appears, for instance, that an Illinois legislative birth-control commission will recommend next month an extension of the State's birth-control program to all of the 52,000 woman, wed or unwed, on the State's welfare rolls who request help. In 1963 Catholic criticism and controversy over the morality of aiding the unwed forced Gov. Otto Kerner to limit the program to 12,000 married women on relief.

"Personally, I still dislike the idea of giving contraceptives to unmarried women," says State Senator Morgan Finley, who led the anti-birth-control fight in the last legislative session and who heads the commission. "But after the hearings I find it actually boils down to the lesser of two evils—giving birth-control information to the unwed or face the continuing explosion of ADC rolls."

But in at least one instance, a proposed birth-control program has not been warmly received. A Milwaukee request for $45,000 in Federal antipoverty money to run five birth-control clinics has evoked a storm of protest and created doubts as to whether the Federal Office of Economic Opportunity will approve the request. The agency has indicated that local agreement on a program would be needed before a project would be approved.

The Milwaukee Common Council, the city's governing body, is objecting to the plan. So is a group of citizens called the Civic Awareness Committee, which is distributing a statement urging opposition on medical grounds, and so is another citizens' group which is circulating petitions requesting Gov. Warren P. Knowles, who has the final word, to veto the plan. Catholic Archbishop William E. Cousins of the Milwaukee archdiocese, whose orginal statement was widely interpreted as favoring the plan, has amended that stand lately and now questions whether there is either local consensus or need for the program.

The expansion of public birth-control programs has provided a major new market for drug companies selling contraceptives. It's estimated that the industry this year will sell $4 million worth of oral contraceptives, measured at retail prices, to Government birth-control programs, up from only $1.8 million last year. "This year the public programs will be the fastest growing segment of the whole oral contraceptive market," says William L. Searle, marketing vice president of G. D. Searle, which manufactures the contraceptive Enovid.

Though it's too early to tell definitely, there are indications that public birth-control programs do effectively lower birth rates among low-income families and thereby reduce relief spending. A State-run clinic near Nashville, Tenn., figures it has prevented at least 130 pregnancies among the 200 women served since the clinic opened 15 months ago. "We've had only 8 pregnancies, and the normal rate in this group would have been 140 to 160," says Dr. Hutcheson, State health commissioner.

Mr. CLARK. I hope very much, as a result of the breakthrough which has occurred in the field of population control since the Senator from Alaska [Mr. GRUENING], the Senator from Arkansas [Mr. FULBRIGHT], and I began to speak in the Senate with reference to this problem, we shall be able to take necessary action both at home and abroad to bring to every citizen of the world information necessary to enable parents to regulate the size of their families in accordance with their own choice; and thus make progress in preventing economic distress which is already occurring, and which is sure to increase as time goes on, resulting from the fact that hundreds of thousands—indeed, millions—of unwanted children are being born every year because their parents do not have the type of information to enable them to engage in the type of family planning they would like to engage in.

Committee file

LAW-ENFORCEMENT WIRETAPPING

Mr. LONG of Missouri. Mr. President, recently the Christian Century published articles by two law school professors advancing arguments for and against law-enforcement wiretapping.

Being opposed to law-enforcement wiretapping, I found the article by Prof. Herman Schwartz most impressive. Professor Schwartz was a member of the Senate Antitrust Subcommittee staff before he joined the faculty of the law school at the State University of New York at Buffalo.

Professor Schwartz points out with clarity the grave dangers of law-enforcement wiretapping. Believe all who read the article will find it interesting and enlightening.

Mr. President, I ask unanimous consent that the article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

REFLECTIONS IN OPPOSITION

(By Herman Schwartz, associate professor of law at the State University of New York at Buffalo)

Wiretapping seems to raise one of the sharpest conflicts between individual liberty and effective law enforcement; specifically, how can one fight organized crime without unnecessarily invading the citizen's privacy? Put this way, the problem seems resolvable only by a compromise or "balanced" solution such as that currently being supported by a few articulate prosecutors, a solution which would permit a limited amount of wiretapping, restricted to the investigation of a few major crimes and closely supervised and controlled by the courts in all but national security cases. Such a narrowly restricted invasion of privacy seems a small price to pay for smashing organized crime, especially since, as is often noted, we are dealing only with the privacy of criminals.

Unfortunately, this reasonable compromise is no compromise at all. Physical and other inherent factors virtually preclude any meaningful limitations; as a matter of fact, the invasion of privacy is far greater than at first appears. The same factors preclude effective supervision by the courts; indeed, experience has shown that many courts do not even try to exercise any control. Moreover, there are indications that the so-called dilemma is more apparent than real, and that wiretapping may not be quite as indispensable as is often claimed.

I

The bedrock assumption on which the case for court-authorized wiretapping rests is that the invasion of privacy by means of a wiretap is no different in quality or degree from that produced by a conventional search. Since judicial supervision is considered effective protection for the latter, why treat wiretapping differently? This assumption is completely unwarranted, for a tap represents an immeasurably greater intrusion into the privacy of not one but many people.

Moreover, unlike the conventional search, wiretapping is inherently unlimitable. The invasion of a home under a search warrant must and can be narrowly limited to a specific place armed or occupied by a specific person, and to specified items therein. A policeman is not authorized to enter any suspicious area simply in the hope of finding something that may turn out to be useful. Limitation and specificity are essential to a valid search under a warrant, and there is no inherent reason why these restrictions cannot be observed and enforced. A wiretap, however, cannot possibly be kept within such bounds. Whereas a conventional search is limited to a specified place and item, a wiretap catches not only all the telephone conversations of the suspect at the place where he is calling or is called, but also of many other persons and conversations.

As to the suspect, all of his calls are overheard, no matter how intimate, irrelevant or even legally or constitutionally privileged they may be. Thus, in the Coplon case in 1950, the Government tapped conversations between the defendant and her attorney during the trial, thereby violating her constitutional right to counsel. And a Queens County, N.Y., district attorney has wiretapped in abortion cases, thereby eavesdropping on the statutorily privileged physician-patient conversations.

A wiretap's intrusion does not stop with the suspect and any other persons using his phone. It also catches all persons who are called by the suspect and by others using the tapped phone as well as all those who call any of these people on that phone, regardless of the total irrelevance of any of these conversations to a valid police purpose. It has been reported that in the course of tapping a single telephone a police agent recorded conversations involving at the other end the Juilliard School of Music, the Brooklyn Law School, Consolidated Radio Artists, Western Union, the Mercantile National Bank, several restaurants, a drug store, a real estate company, many lawyers, a stationary store, a dry cleaner, numerous bars, a garage, the Prudential Insurance Co., a health club, the Medical Bureau To Aid Spanish Democracy, dentists, brokers, engineers, and a New York police station.

Wiretapping's broad sweep is most apparent where public telephones are tapped. Of 3,588 telephones tapped by New York City police 1953–54, for example, 1,617—almost half—were public telephones. It is inevitable that in these cases only an infinitesimal number of the intercepted calls were made by the suspect or by anyone remotely connected with him. The same holds true for taps on the phones of hotel switchboards, law firms and large corporations. All such taps invade the privacy of thousands of people—and once the tap is in, nothing can be done to curb its operation. The inherently dragnet nature of any tap thus precludes any meaningful limitation.

Because of the inherently unlimited scope of electronic eavesdropping, a court cannot control wiretapping in the way it controls more traditional searches. Its power is also weakened because of the fact that the tap must necessarily remain secret and because of certain other realities of practical jurisprudence.

The traditional search and seizure for tangible items cannot be kept hidden, whereas almost all wiretaps are likely to remain secret. As New York District Attorney Frank S. Hogan has pointed out, most taps are installed not to obtain material for use in court, where they might be subject to challenge, but solely as leads to other evidence. The defendant must find out and prove whether any of the evidence introduced against him is in fact derived from wiretapping. According to a Yale Law Journal study some years ago, Federal judges have been very reluctant to permit such an inquiry, and the rule excluding wiretap evidence from Federal courts has proved an illusory safeguard. There is no reason to think that defendants have been more successful in tracing wiretap evidence in State courts.

The small probability of a challenge to the propriety of a wiretap order invariably makes for lax judicial scrutiny of the application, especially where judges are overworked or otherwise unable to make a close study of papers. Some judges are, of course, more prosecution-minded than others, and practicing lawyers know that careful judge-shopping is one of the most important and widely practiced skills of any successful law practice. This may be one reason why New York district attorneys assert that although they have occasionally been required to

modify their supporting papers, they have never been denied a wiretap order.

Nor does experience with a court order system provide any basis for faith. For several years such systems have been in effect in New York and a few other States. An extensive 2-year study concluded that "the experience of the statutes throughout the country providing for judicial supervision has been very bad. Law enforcement officers have had no difficulty obtaining a court order when they wanted it. Judges who are "tough" are just bypassed. In addition, police officers have shown complete impatience with the court order system and more often have engaged in wiretapping without a court order than with a court order."

II

But what of organized crime? Surely the urgent need for wiretapping as an investigative technique overrides the unavoidable danger to individual liberty. After all, when criminals can avail themselves of the most modern devices, how can one restrict the police to horse-and-buggy methods?

Such an argument has first-blush appeal but little more. In the first place, many law enforcement officials do not agree that wiretapping is indispensable. Among such officials are the present and former attorneys general of California, Pennsylvania, Missouri, Delaware, and New Mexico, as well as district attorneys from Philadelphia and from Cook County, Ill. In a recent congressional survey only 13 out of 45 State attorneys general called for wiretapping authority; most expressed no opinion and 6 were flatly opposed.

On the Federal level enthusiasm for wiretapping is relatively new. Although FBI Director J. Edgar Hoover now appears converted to the ranks of its champions, at various times in the past he has called it archaic, inefficient, and "a handicap to the development of sound investigational techniques." And in March 1961, early in his term, former Attorney General Robert F. Kennedy in an interview published in Look expressed a strong aversion to wiretapping.

State legislative committee in California and New Jersey have concluded, after hearings and study, that the value of wiretapping is far outweighed by the dangers to privacy. Several State judges with years of experience have come to the same conclusion; for example, New York State Justice Samuel Hofstadter has declared that his record of wiretapping results "showed some arrests and fewer convictions and then rarely, if ever, for a heinous offense."

There is much evidence that Federal law enforcement is quite effective without wiretapping. The Attorney General's report for the past few years show great success in the fight against organized crime, narcotics, and gambling, even without this power. Indeed, wiretapping is rarely mentioned in any Federal statements on law enforcement except in testimony in support of wiretapping authority.

Even in internal security matters it has never been shown that wiretapping is necessary or even useful. As Joseph L. Rauh, Jr., told the Senate Judiciary Committee in 1962: "We can be sure that if this wiretapping which has been going on since 1939 had produced effective results, they would have been presented to the public in support of this request for further wiretapping authority."

An even weaker case is made for State wiretapping. Although many of the arguments for its use are couched in States rights terms (each State should be able to protect itself against crime), the inextricably interstate nature of a telephone system precludes such insularity. If the State of Illinois attempts to safeguard the privacy of her residents by banning wiretapping, her efforts will be frustrated by New York's lesser concern for the privacy of her residents. Each time a conversation takes place between Chicago and New York, regardless of who initiates it, what its purpose is, or how intimate and confidential its nature, that conversation will be subject to eavesdropping by New York police.

The primary justification for local wiretapping authority is again the need to fight gambling and organized crime, especially traffic in narcotics. There is no evidence, however, that where it has been used wiretapping has been particularly effective in combating those evils. New York has permitted its officers to tap for years, yet there is no evidence that it has coped with illegal gambling any better than has Philadelphia or Chicago, where all wiretapping is forbidden. Indeed, it is generally acknowledged that the difficulty in fighting gambling and organized vice—the other area where wiretapping is widely resorted to—is not that the investigative techniques are inadequate; it is, rather, that the public is indifferent and that the police have a tendency to be lax, inept, and not infrequently corrupt.

Hardly a year goes by without some startling revelations of police tieups with gamblers. The most recent revelations concern the New York police, where corruption in connection with gambling may well have gone very high indeed and may have involved a telephone company employee. There were similar revelations in 1950, and there have been others in numerous other cities since then. Before risking our privacy to hands so readily tempted, must we not insist that law enforcement authorities make better use of such weapons as they already have?

This is not to say that wiretapping is not useful. But it is to say that a case for indispensability has not been made—and in a free society one does not give the police drastic powers unless a need is conclusively shown.

III

So far most of the discussion has focused on telephone communication. This, however, is only a small part of the problem. Wiretapping in itself is but one of many investigative techniques made possible by the electronic revolution. We now have detectaphones which when placed next to a wall pick up all the conversations in the adjacent room; spike microphones that can be put in contact with a pipe and so turn an entire heating or plumbing system into one vast microphone to pick up all conversations throughout a house, from bedroom to basement; parabolic microphones which require no contact whatsoever in order to pick up conversations hundreds of feet away.

Recent history has demonstrated that legitimation of wiretapping leads to acceptance of such other devices as well. The New York, Massachusetts, Oregon, and Nevada statutes, originally limited to wiretapping, now permit eavesdropping by all methods. In 1961 Senator Kenneth Keating, of New York, introduced a bill to permit States to legalize not only wiretapping but all types of electronic eavesdropping.

So far law enforcement officals have not been too reluctant to use these devices. Among decisions of the past 10 years permitting its use were a California case where police installed a listening device in a suspects' bedroom; a New York case in which a jail-visiting room was "bugged" and conversations between a prisoner and his lawyer were overheard; and a District of Columbia case where a hotel room was similarly "bugged." There are of course many other instances which did not reach the courts, for the reasons earlier set forth.

Our society has much more sympathy for the policeman trying to catch criminals than for the individual trying to maintain an enclave of privacy. Wiretapping and other forms of electronic eavesdropping would constrict this enclave almost to the vanishing point. As Senator PHILIP HART said in 1962: "Let's be sure that we don's make a move which ultimately will produce a people that never knew what privacy was [that] isn't aware that they have lost anything."

ROA LISTS 30 REASONS AGAINST LIQUIDATING RESERVES

Mr. YARBOROUGH. Mr. President, Secretary McNamara's decision to eliminate the Army Reserve raises serious questions about our national defense posture which must be thoroughly explored by Congress. Any proposal as far reaching as this one cannot be accepted by Congress without thorough investigation and establishment of the facts.

Many of the arguments which can be raised against the Secretary's decision are contained in an article appearing at page 12, in the February 1965 issue of the Reserve Officers Association magazine, the Officer. The charges made by the ROA are weighty indeed, and merit Congress' close attention.

I ask unanimous consent that the article entitled "Thirty Reasons (There Are More) Give Basis for Grassroots Revolt Against Plan," be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THIRTY REASONS (THERE ARE MORE) GIVE BASIS FOR GRASSROOTS REVOLT AGAINST PLAN

ROA has sparked a grassroots drive to dsfeat the McNamara plan to destroy the Reserves with a brief citing 30 principal arguments.

The paper went to ROA leaders throughout the Nation, who were supplied the ammunition for developing local understanding of the issues raised about national security.

For the benefit of all readers of the Officer, this ROA staff paper is presented herewith in full:

1. The proposal will weaken the United States militarily, reducing the mobilization base by 21 divisions and discarding 150,000 trained, able-bodied reservists.

2. The plan, based on a directed decision, was conceived in secret, studied furtively in a limited circle which knows little about the Reserve components, and was adopted without the advice or knowledge of the Army's responsible professional military staff, the Army Committee on Reserve Policy, or the Congress of the United States and its committees.

3. The plan was presented after the fact to the Reserve Forces Policy Board, established by law as "principal policy adviser to the Secretary of Defense" on Reserve matters, and was rejected by this Board.

4. Only the Congress of the United States can make major changes in the statutory structure and policy of the military. Yet this decision was made before the national election and the decision was announced after the election and while Congress was not in session.

5. Historically, it has been proved that control and command of all military forces committed to the defense of the Nation must rest with the armed services. To propose the fragmentation of this authority among the 52 National Guard jurisdictions will result in organizational chaos, deterioration of combat readiness, and the erosion of evcry purpose of these men and weapons.

6. This so-called realinement places the responsibility for military training upon the Governors of the several States. Organization of the National Guard does not place authority where responsibility rests. None of the States and territorial Governors has

any direct responsibility for national security; none is answerable to the National Government. Can anyone honestly believe that the Governors of the States, through their political appointees, can do a better job of training military forces than the professionals of the Regular Forces?

7. The State militia, as now constituted, provides ample force for the Governors to deal with disasters and riots in their States; to add to the size of these forces at the present time defies logic. What possible justification is there for State Governors to command units equipped with high-powered atomic cannons, high-performance and long-range aircraft, and the heavy armor with which our modern divisions are equipped?

TWO RESERVE ELEMENTS REQUIRED

8. There is historic and practical legal basis for two separate elements in the Reserve Forces. Congress established the National Guard with two functions, State and Federal, but the State function—action on strikes, insurrections, and emergencies—is primary; its Federal function secondary. Reserves have the exclusive function of augmenting the Regular Forces in emergencies. A Federal Reserve supported, trained, and controlled by the service concerned is vital to national survival.

9. Reserve units are inherently more flexible and responsive than Guard units. Transfer of units and transfer of individuals, weapons, and equipment between units in different States presents no problem in the Reserve. Nor do activations and inactivations among Reserve units as requirements change. All of these actions run into almost insurmountable obstacles in the National Guard.

10. There is a great problem in connection with the obligated Reservists who comprise 50 percent of the strength of many Reserve units, if their units are transferred to the State guard. Since a State oath or enlistment is required, this would provide an excellent opportunity for all of them to abrogate their obligation and escape service. Even though they might be required to train with the guard unit, they will not belong to the unit and cannot be called up by the Governor for State functions. The unit, in reality, would be at half-strength.

11. The decision does not take into account the personnel composition of the component involved. The facts are that the Reserve is manned with a hard core of active-duty-experienced noncommissioned officers and ROTC-trained company officers. On the other hand, the National Guard is predominantly manned with superficially trained enlisted personnel, with no previous active-duty military experience, who cannot possibly be effective without extensive post-mobilization training.

12. Any decision to transfer all units to the National Guard reduces the entire Reserve to a stagnant pool. This means that highly trained active-duty-experienced officers and men will be denied continuing training, but will be subject to callup in a mobilization emergency and condemned to slaughter in early combat. Such a system turns the clock back 40 years, actually destroys the military services' most valuable backup asset and reverts to a system inferior even to that of pre-World War II.

13. The 1961 callup provided an eloquent example. Three divisions were called up; one Reserve division and two National Guard divisions. The Reserve division mobilized quickly, relieved a Regular Army division for combat availability and performed quietly and competently with high morale during the entire period.

The National Guard divisions were not self-sufficient and had to be reinforced by Army Reserve "fillers" who had not been drilling. They had been left dormant in a pool. This element of the Army Reserve was integrated into the National Guard divisions under the leadership of the National Guard officers. They found conditions so intolerable as to cause them to reach a point of near rebellion; some actually picketed while on active duty.

The Secretary of Defense's proposal will destroy the element of the Army Reserve that performed so well and turn the entire Army Reserve into a dormant pool of the type found to be so unready.

LAW REQUIRES RESERVE TRAINING

14. The law of the land says:

"Whenever units or members of the Reserve components are ordered to active duty (other than for training) during a period of partial mobilization, the Secretary concerned shall continue to maintain mobilization forces by planning and budgeting for the continued organization and training of the Reserve components not mobilized, and make the fullest practicable use of the Federal facilities vacated by mobilized units, consistent with approved joint mobilization plans" (title 10, United States Code, sec. 276(a)).

15. The Reserves themselves were not granted their "day in court" on this matter, although leaders of the National Guard actually helped to draft the decision and to join in the campaign to "sell it" to the public.

16. The Reserve components represent a prudent and wise investment by the American taxpayers, with hundreds of thousands of officers and men organized in a modern system, carefully worked out under laws enacted on the basis of long experience. This system of laws keeps modern the Reserves of the Army, Navy, Air Force, Marine Corps, and Coast Guard, with qualifications the same as for the active services. The operation of these laws—not dicta from the Pentagon—is the basis of our system of national security.

17. Service in the Reserve forces is a requirement for national defense, not some sort of picnic. The philosophy cited as the basis for this decision to abolish the Reserves is fallacious, and reflects a failure to recognize what Congress found to be true subsequent to World War II and Korea, that men and women must be persuaded that their services in the citizen-reservist forces are needed, and are appreciated by the Nation's leadership. Denunciation of their records does great harm to the cause of national defense.

18. During World War II, the victorious U.S. Army was composed of: 95 percent citizen-soldiers, 2 percent Regular Army, and 3 percent National Guard. This is our future reliance. The experienced elements must not be discarded.

19. The late President Kennedy warned the people of this Nation (as has every other enlightened leader in modern times) that free and open debate on all issues is essential to maintenance of freedom in this free republic. Dissent in the Pentagon already has ended. This must not be extended throughout the citizenry.

20. While it is obvious that, if the Pentagon spends the $150 million to be saved on Reserve personnel to equip the National Guard, the claim that the taxpayers will save $150 million annually is not true. On the other hand, if the Defense Department's aim is to save money—it can lop off three Active Army divisions and put a billion dollars on the Reserves, or it can save $50 billion by simply disbanding.

21. How do you "increase the combat readiness of our Ready Reserve Forces" by eliminating the 150,000 trained men and 21 divisions? The Secretary of Defense himself testified to the Nation's specific need for them earlier this year, and very recently the Chief of the Army Reserve components claimed they represent minimal needs.

"WHAT'S THE HURRY?"

22. The rarely seen haste to put this decision into effect in itself should suggest caution. Careful investigation should be made of the entire Reserve structure to avoid adoption of this hasty and radical decision which has only one goal, destruction of the Army Reserve.

23. The American people have a right to know what political considerations entered into this decision.

24. If another general war should occur, we all know who would be ordered into uniform first. To repeat an ageless slogan, "The Reserves ask only the right to be ready."

25. This decision not only reflects unjustifiably upon the Reserves, it sets aside the basic philosophy of this Nation that every citizen has a responsibility for national defense, and must be encouraged in every way to make this commitment.

26. This proposed abolishment of the Army Reserve has been interpreted in many places as the first step toward complete elimination of our Armed Forces Reserve. Throughout all history civilizations which have abandoned the citizenship responsibility for defense and depended solely on professional forces (mercenaries) completely divorced from the mainstream of society, have been destroyed by their enemies.

27. President Lyndon B. Johnson stated in a letter dated October 24, 1964, addressed to all members of the Army Reserve:

"Defense of our great Nation is every American's business. We rely heavily on the Army Reserve as a significant part of our country's defense team. * * *

"I am confident that the Nation can rely upon the Army Reserve today and in the future as it has so often in the past." (From the Army Reserve magazine.)

(The decision to abolish the Reserve was forwarded to the Army Secretary on October 6.)

28. Deputy Secretary of Defense Vance said recently:

"Under the concept of flexible response, the Nation's Reserve components assume a degree of importance unsurpassed at any time in our history * * *. It is opposite from the truth to say that America's Reserve components have lost their usefulness in this era of nuclear deterrence." (Address to ROA Fort Monroe chapter, July 1964.)

PERSHING'S WARNING

29. General of the Armies John J. Pershing, before the 1st ROA convention in 1922 said:

"Of special importance is a stimulus in the organization of Reserve units throughout the Nation. Before the war, there was no conception of such a society. But the war brought home to us in a striking manner the advisability of * * * precaution. The experience has awakened the country so that a resolve has gone forth embodied in the law of 1920 (National Defense Act of 1920 setting up an organized Reserve) that never again shall our untrained boys be compelled to serve their country on the battlefield under leadership of new officers with practically no conception of their duties and responsibilities."

30. Gen. Curtis E. LeMay, Chief of Staff of the Air Force, stated:

"During the buildup of the Cuba crisis, the argument was frequently heard throughout the Pentagon that we should call up the Reserves, so that they would have time to really get themselves ready. I expressed the opinion that the Air Reserve Forces were ready, and that they should not be called until they were actually needed. On the night of Saturday, October 27, 1962, the order went out from the Pentagon at 2100 hours to selected Air Force Reserve units. At 0900 hours the next morning, these units were reported 93 percent manned, with an optimum in-commission rate on aircraft at 75 percent. At the 30-hour mark, the Secre-